

200312102-1

10/789,963

REMARKS

This is a full and timely response to the non-final Official Action mailed **December 11, 2007** (the "Action" or "Office Action"). Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Claims 26-45 and 59-70 were withdrawn from consideration under a previous Restriction Requirement and cancelled without prejudice or disclaimer. Claims 1-25, 46, 47, 50, 54 and 73-39 were also cancelled previously without prejudice or disclaimer.

By the present amendment, claim 85 is amended to correct a typographical error noted in the Office Action of December 11, 2007. This amendment does not, and is not intended, to change or narrow the scope of the claim.

Thus, claims 48, 49, 51-53, 55-58, 71, 72 and 80-90 are currently pending for further action.

Non-Responsive Amendment:

The Office Action of December 11, 2007 holds Applicant's previous amendment as non-responsive because, in the opinion of the Examiner, the claims as amended are directed to non-elected subject matter. Applicant respectfully disagrees.

According to the Examiner in the December 11th Office Action, "the instantly claimed print medium [has] three layers with a substrate as a base [that] is distinct and independent from the examined claims of two layers. Furthermore, said three layers such as claims 11 and 60 were non-elected invention." (Action, p. 2). This is demonstrably incorrect.

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In the prosecution of the present application, two separate Restriction Requirements have been issued. The first was made by a previous examiner on May 1, 2006. That Restriction required Applicant to elect one of a set of method claims, a set of composition claims and a set of ink receptive substrate claims. The Restriction did not require the Applicant to elect between a print medium with two as opposed to three layers, as the current Action improperly implies.

Subsequently, on January 26, 2007, the present Examiner withdrew the previous Restriction and made a new Restriction. In this Restriction, Applicant was required to choose among the following claim groups.

- (1) Claims 1-10, 78 and 79 drawing to a method of coating;
- (2) Claims 48, 49, 51-53, 55-58, 71 and 72 drawing to a coated microporous coating;
- (3) Claim 54 drawn to a core-shell coating material; and
- (4) Claims 73-77 drawing to a method of printing.

Again, this second Restriction did not require the Applicant to elect between a print medium with two as opposed to three layers, as the current Action improperly implies.

Consequently, it absolutely is not true that Applicant has, in the course of prosecuting this application, elected to pursue claims only to a print medium of two and not three distinct layers. The previous Office Action was non-final, which allows the Applicant the freedom and the right to amend the claims of the application to distinguish the invention from the prior art. Applicant did so and indicated where in the application as originally-filed that the amendment to the claims was supported.

Therefore, it is entirely improper for the Examiner to hold Applicant's previous amendment non-responsive. Applicant did not add subject matter to the claims that had been the basis for a previous Restriction Requirement.

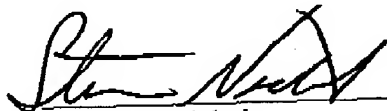
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Consequently, Applicant requests a prompt withdrawal of the improper Office Action holding the Applicant's amendment of November 1, 2007 non-responsive to the previous Office Action. Applicant further requests a prompt review of the claims as amended. For the reasons given in Applicant's previous paper, these amended claims are thought to be clearly allowable over the prior art of record.

Respectfully submitted,

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